REMARKS/ARGUMENTS

After the foregoing Amendment, Claims 25, 27, 29-32, 34, 36-38 are currently pending in this application. Claims 26, 28, 33, and 35 are canceled without prejudice. Claims 25, 27, 29, 32, 34, and 36 are amended.

Claim Rejections - 35 USC § 102(e)

Claims 25, 26, 29-33 and 36-38 stand rejected under 35 USC §102(e) as being anticipated by United States Patent No. 6,324,184 to Hou et al. (hereinafter "Hou"). The Applicants respectfully disagree.

Hou recites a method for dynamically allocating uplink bandwidth to subscriber units. In Hou, a MAC management entity maintains a historical record of bandwidth usage for each subscriber unit such that users with low usage levels are given a higher priority when requesting an otherwise limited bandwidth level (see Hou, column 11, lines 50-55).

Specifically, Hou proposes limiting the maximum bandwidth that a user is assigned by comparing the assigned bandwidth to a ceiling value (see Hou, column 11, lines 31-36 and 46-47). In contrast to the amended claims, Hou does not anticipate claims 25 and 32 because it fails to teach "comparing a continuous time allocation of channel resources for each of the subscriber unit against a time

threshold and adjusting the priority level when the time threshold is exceeded" as recited in the amended independent claims. Instead of imposing a maximum bandwidth on a subscriber unit, the amended claims recite that the priority level of a subscriber unit is adjusted to a lower level when a time threshold is exceeded based on the overuse of channel resources. Clearly, the creation of a maximum bandwidth for a subscriber unit and adjusting the priority level for a subscriber unit when a time threshold is exceed are fundamentally different activities. As such, the disclosure of Hou does not anticipate claims 25 and 32.

In further contrast to the amended claims, Hou recites that subscriber units do not need to send a signal to the central controller to request bandwidth or report the subscriber unit buffer size (see Hou, column 8, lines 34-36). Unlike the pending claims, Hou fails to teach "detecting a request from a plurality of subscriber units to transmit data to or receive data from the base station using a plurality of traffic channels" as recited in the amended independent claims.

In addition, Hou merely teaches allocating bandwidth in the uplink direction. Hou fails to teach the dynamic allocating bandwidth in both the uplink and downlink directions as recited in the amended claims.

Based on the arguments presented above, withdrawal of the 35 USC §102(e) rejection of claims 25, 29-32 and 36-38 is respectfully requested.

Claim Rejections - 35 USC § 103

Claims 27, 28, 34 and 35 stand rejected under 35 USC §103(a) as being unpatentable over Hou in view of United States Patent No. 6,473,793 to Dillon et al. (hereinafter "Dillon").

Claims 28 and 35 are cancelled and claims 27 and 34 are dependent on independent claims 25 and 32, which the Applicants submit are allowable over the cited references for the same reasons as provided above. The withdrawal of the 35 USC §103(a) rejection of claims 27 and 34 is respectfully requested.

Conclusion

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephone interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing amendment and remarks, Applicants respectfully submits that the present application, including claims 25-38, is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

Carlo Amalfitano et al.

By _____
Joseph P. Gushue
Registration No. 59,819

Volpe and Koenig, P.C.
United Plaza, Suite 1600
30 South 17th Street
Philadelphia, PA 19103
Telephone: (215) 568-6400
Facsimile: (215) 568-6499

JPG/pf